

Listing of Claims:

This listing of claims replaces all prior versions and listings of claims in the application:

1.(Presently Amended) An instrument for distracting a disc space between adjacent vertebrae and simultaneously preparing endplates of the vertebrae, the instrument comprising:

a body having opposing upper and lower surfaces separated by curved side surfaces which extend between a posterior end of the body and an anterior end of the body;

a first plurality of teeth extending across the upper surface of the body, the first plurality of teeth angling back toward the anterior end of the body; and

a second plurality of teeth extending across the lower surface of the body, the second plurality of teeth angling back toward the anterior end of the body, ~~wherein the first and second plurality of teeth include anterior wedge surfaces and posterior shovel surfaces;~~

wherein the upper and lower surfaces define a body thickness that continuously decreases from the anterior end to the posterior end.

2.(Canceled)

3.(Original) The instrument according to claim 1, further comprising an inserter removably coupled to the body.

4.(Canceled)

5.(Presently Amended) The instrument according to claim 41, wherein the first and second plurality of teeth further include arcuate root surfaces.

6.(Presently Amended) The instrument according to claim 41, wherein the wedge surfaces and the shovel surfaces intersect to define cutting edges.

7.(Presently Amended) The instrument according to claim 41, wherein the wedge surfaces are angled back at an angle of about 60°, as measured from an imaginary line extending perpendicular to an axis of the body, and the shovel surfaces are angled back at an angle of about 10°, as measured from the imaginary line.

8.(Canceled)

9.(Presently Amended) The instrument according to claim 8 1, wherein the continuously decreasing body thickness defines a taper angle is of about 7 degrees.

10.(Original) The instrument according to claim 1, wherein the body defines a broach.

11.(Presently Amended) A system for distracting a disc space between adjacent vertebrae and simultaneously preparing endplates of the vertebrae, the system comprising:

at least two differently dimensioned instruments, each of the instruments including:

a body having opposing upper and lower surfaces separated by curved side surfaces which extend between a posterior end of the body and an anterior end of the

body;

a first plurality of teeth extending across the upper surface of the body, the first plurality of teeth angling back toward the anterior end of the body; ~~and~~

a second plurality of teeth extending across the lower surface of the body, the second plurality of teeth angling back toward the anterior end of the body, ~~wherein the first and second plurality of teeth include anterior wedge surfaces and posterior shovel surfaces; and~~

the upper and lower surfaces defining a body thickness that continuously decreases from the anterior end to the posterior end.

12.(Presently Amended) The system according to claim 11, wherein the ~~upper and lower surfaces of the body of each instrument taper posteriorly such that the body has a thickness that decreases from the anterior end to the posterior end, thereby defining an average thickness, the~~ body of each instrument having an incrementally different average body thickness.

13.(Original) The system according to claim 11, further comprising an inserter removably coupled to the body of each instrument.

14.(Canceled)

15.(Presently Amended) The system according to claim ~~11~~ 42, wherein the first and second plurality of teeth further include arcuate root surfaces.

16.(Presently Amended) The system according to claim 11 ~~41~~ 42, wherein the wedge surfaces and the shovel surfaces intersect to define cutting edges.

17.(Presently Amended) The system according to claim 11 ~~41~~ 42, wherein the wedge surfaces are angled back at an angle of about 60°, as measured from an imaginary line extending perpendicular to an axis of the body, and the shovel surfaces are angled back at an angle of about 10°, as measured from the imaginary line.

18.(Canceled)

19.(Presently Amended) The system according to claim 11 ~~48~~ 11, wherein the continuously decreasing body thickness defines a taper angle is of about 7 degrees.

20.(Original) The system according to claim 11, wherein the body defines a broach.

21.(Presently Amended) An instrument for distracting a disc space between adjacent vertebrae and simultaneously preparing endplates of the vertebrae, the instrument comprising:

a body having opposing upper and lower surfaces separated by curved side surfaces which extend between a posterior end of the body and an anterior end of the body;

a first plurality of ratcheting teeth extending across the upper surface of the body; and

a second plurality of ratcheting teeth extending across the lower surface of the body;

~~wherein the first and second plurality of teeth include anterior wedge surfaces and posterior shovel surfaces;~~

wherein the upper and lower surfaces define a body thickness that continuously decreases from the anterior end to the posterior end.

22.(Canceled)

23.(Original) The instrument according to claim 21, further comprising an inserter removably coupled to the body.

24.(Canceled)

25.(Presently Amended) The instrument according to claim ~~21~~ 43, wherein the first and second plurality of teeth further include arcuate root surfaces.

26.(Presently Amended) The instrument according to claim ~~21~~ 43, wherein the wedge surfaces and the shovel surfaces intersect to define cutting edges.

27.(Presently Amended) The instrument according to claim ~~21~~ 43, wherein the wedge surfaces are angled back toward the anterior end of the body at an angle of about 60°, as measured from an imaginary line extending perpendicular to an axis of the body, and the shovel surfaces are angled back toward the anterior end of the body at an angle of about 10°, as measured from the imaginary line.

28.(Canceled)

29.(Presently Amended) The instrument according to claim 28 21, wherein the continuously decreasing body thickness defines a taper angle is of about 7 degrees:

30.(Original) The instrument according to claim 21, wherein the body defines a broach.

31.(Presently Amended) A system for distracting a disc space between adjacent vertebrae and simultaneously preparing endplates of the vertebrae, the system comprising:

at least two differently dimensioned instruments, each of the instruments including:

a body having opposing upper and lower surfaces separated by curved side surfaces which extend between a posterior end of the body and an anterior end of the body;

a first plurality of ratcheting teeth extending across the upper surface of the body;

and

a second plurality of ratcheting teeth extending across the lower surface of the body, ~~wherein the first and second plurality of teeth include anterior wedge surfaces and posterior shovel surfaces; and~~

the upper and lower surfaces defining a body thickness that continuously decreases from the anterior end to the posterior end.

32.(Presently Amended) The system according to claim 31, wherein the ~~upper and lower surfaces of the body of each instrument taper posteriorly such that the body has a thickness that decreases from the anterior end to the posterior end, thereby defining an average thickness, the~~

body of each instrument having an incrementally different average body thickness.

33.(Original) The system according to claim 31, further comprising an inserter removably coupled to the body.

34.(Canceled)

35.(Presently Amended) The system according to claim ~~31~~ 44, wherein the first and second plurality of teeth further include arcuate root surfaces.

36.(Presently Amended) The system according to claim ~~31~~ 44, wherein the wedge surfaces and the shovel surfaces intersect to define cutting edges.

37.(Presently Amended) The system according to claim ~~31~~ 44, wherein the wedge surfaces are angled back at an angle of about 60°, as measured from an imaginary line extending perpendicular to an axis of the body, and the shovel surfaces are angled back at an angle of about 10°, as measured from the imaginary line.

38.(Canceled)

39.(Presently Amended) The system according to claim ~~38~~ 31, wherein the continuously decreasing body thickness defines a taper angle is of about 7 degrees.

40.(Original) The system according to claim 31, wherein the body defines a broach.

41.(New) The instrument according to claim 1, wherein the first and second plurality of teeth include anterior wedge surfaces and posterior shovel surfaces.

42.(New) The system according to claim 11, wherein the first and second plurality of teeth include anterior wedge surfaces and posterior shovel surfaces.

43.(New) The instrument according to claim 21, wherein the first and second plurality of teeth include anterior wedge surfaces and posterior shovel surfaces.

44.(New) The system according to claim 31, wherein the first and second plurality of teeth include anterior wedge surfaces and posterior shovel surfaces.

45.(New) An instrument for distracting a disc space between adjacent vertebrae and simultaneously preparing endplates of the vertebrae, the instrument comprising:

a body having opposing upper and lower surfaces separated by curved side surfaces which extend between a posterior end of the body and an anterior end of the body;

a first plurality of teeth defined by the upper surface of the body; and

a second plurality of teeth defined by the lower surface of the body;

wherein the body having a thickness measured between edges of the first and second plurality of teeth, the thickness continuously decreasing from an anterior-most pair of the first and second plurality of teeth to a posterior-most pair of the first and second plurality of teeth.

46.(New) A system for distracting a disc space between adjacent vertebrae and simultaneously preparing endplates of the vertebrae, the system comprising:

at least two differently dimensioned instruments, each of the instruments including:

a body having opposing upper and lower surfaces separated by curved side surfaces which extend between a posterior end of the body and an anterior end of the body;

a first plurality of teeth defined by the upper surface of the body;

a second plurality of teeth defined by the lower surface of the body; and

the body having a thickness measured between edges of the first and second plurality of teeth, the thickness continuously decreasing from an anterior-most pair of the first and second plurality of teeth to a posterior-most pair of the first and second plurality of teeth.